

ORIGINAL
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9/12/01 (F) [Signature]

WAIVER OF SERVICE OF SUMMONS

TO: Andrew J. Ostrowski, Esquire
(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of Michael Barnett VS Comm. of Pa., et al., which is case number 1:CV-01-0986 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after August 6, 2001 (date request was sent), or within 90 days after that date if the request was made outside the United States.

FILED
SCRANTON

SEP - 7 2001

September 4, 2001

DATE

V. S. Freimuth

SIGNATURE

DEPUTY CLERK

Printed/typed name: Victoria S. Freimuth

Title, if any : Deputy Attorney General

Address of Person signing: Office of Attorney General, Litigation Section

15th Floor, Strawberry Square

Harrisburg, PA 17120

Party you represent: Commonwealth of Pennsylvania, Department of Public Welfare, Terry Keiter and John O. Nwokeji

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